



Sen. David Koehler

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LRB096 08144 RLJ 23222 a

1 AMENDMENT TO SENATE BILL 1511

2 AMENDMENT NO. _____. Amend Senate Bill 1511 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Counties Code is amended by changing
5 Sections 5-1063 and 5-1114 as follows:

6 (55 ILCS 5/5-1063) (from Ch. 34, par. 5-1063)

7 Sec. 5-1063. Building construction, alteration and
8 maintenance. For the purpose of promoting and safeguarding the
9 public health, safety, comfort and welfare, a county board may
10 prescribe by resolution or ordinance reasonable rules and
11 regulations (a) governing the construction and alteration of
12 all buildings, structures and camps or parks accommodating
13 persons in house trailers, house cars, cabins or tents and
14 parts and appurtenances thereof and governing the maintenance
15 thereof in a condition reasonably safe from hazards of fire,
16 explosion, collapse, electrocution, flooding, asphyxiation,

1 contagion and the spread of infectious disease, where such
2 buildings, structures and camps or parks are located outside
3 the limits of cities, villages and incorporated towns, but
4 excluding those for agricultural purposes on farms including
5 farm residences, but any such resolution or ordinance shall be
6 subject to any rule or regulation heretofore or hereafter
7 adopted by the State Fire Marshal pursuant to "An Act to
8 regulate the storage, transportation, sale and use of gasoline
9 and volatile oils", approved June 28, 1919, as amended; (b) for
10 prohibiting the use for residential purposes of buildings and
11 structures already erected or moved into position which do not
12 comply with such rules and regulations; and (c) for the
13 restraint, correction and abatement of any violations.

14 In addition, the county board may by resolution or
15 ordinance require that each occupant of an industrial or
16 commercial building located outside the limits of cities,
17 villages and incorporated towns obtain an occupancy permit
18 issued by the county. The county board may by resolution or
19 ordinance require that an occupancy permit be obtained for each
20 residential dwelling located outside the limits of cities,
21 villages, and incorporated towns, but may not require more than
22 one permit per residential dwelling. Such permit may be valid
23 for the duration of the occupancy or for a specified period of
24 time, and shall be valid only with respect to the occupant to
25 which it is issued. A county board may not impose a fee on a
26 permit for a residential dwelling issued pursuant to this

1 Section.

2 Within 30 days after its adoption, such resolution or
3 ordinance shall be printed in book or pamphlet form, published
4 by authority of the County Board; or it shall be published at
5 least once in a newspaper published and having general
6 circulation in the county; or if no newspaper is published
7 therein, copies shall be posted in at least 4 conspicuous
8 places in each township or Road District. No such resolution or
9 ordinance shall take effect until 10 days after it is published
10 or posted. Where such building or camp or park rules and
11 regulations have been published previously in book or pamphlet
12 form, the resolution or ordinance may provide for the adoption
13 of such rules and regulations or portions thereof, by reference
14 thereto without further printing, publication or posting,
15 provided that not less than 3 copies of such rules and
16 regulations in book or pamphlet form shall have been filed, in
17 the office of the County Clerk, for use and examination by the
18 public for at least 30 days prior to the adoption thereof by
19 the County Board.

20 Beginning on the effective date of this amendatory Act of
21 the 92nd General Assembly, any county adopting a new building
22 code or amending an existing building code under this Section
23 must, at least 30 days before adopting the building code or
24 amendment, provide an identification of the building code, by
25 title and edition, or the amendment to the Illinois Building
26 Commission for identification on the Internet. For the purposes

1 of this Section, "building code" means any ordinance,
2 resolution, law, housing or building code, or zoning ordinance
3 that establishes construction related activities applicable to
4 structures in the county.

5 The violation of any rule or regulation adopted pursuant to
6 this Section, except for a violation of the provisions of this
7 amendatory Act of the 92nd General Assembly and the rules and
8 regulations adopted under those provisions, shall be a petty
9 offense.

10 All rules and regulations enacted by resolution or
11 ordinance under the provisions of this Section shall be
12 enforced by such officer of the county as may be designated by
13 resolution of the County Board.

14 No such resolution or ordinance shall be enforced if it is
15 in conflict with any law of this State or with any rule of the
16 Department of Public Health.

17 (Source: P.A. 92-489, eff. 7-1-02.)

18 (55 ILCS 5/5-1114) (from Ch. 34, par. 5-1114)

19 Sec. 5-1114. Violation of ordinance. Except as provided in
20 Section 10-302.5 of the Illinois Highway Code, in all actions
21 for the violation of any county ordinance, the first process
22 shall be a summons, ~~or~~ or a warrant, or a notice of violation. A
23 warrant or summons for the arrest of an accused person may
24 issue from the circuit court upon the affidavit of any person
25 that an ordinance has been violated, and that the person making

1 the complaint has reasonable grounds to believe that the party
2 charged is guilty thereof. Every person arrested upon a warrant
3 or summons shall be taken, without unnecessary delay, before
4 the proper judicial officer for trial.

5 In all actions for the violation of a county ordinance, the
6 county code enforcement officer provided for by the county in
7 its respective building or property maintenance code may issue
8 a written notice of violation. The notice of violation must
9 include an explanation of the ordinance violation and that the
10 violator has 30 days to comply with the notice. If the violator
11 fails to comply with the notice of violation within 30 days
12 after receiving the notice, a notice to appear may be issued.

13 The county sheriff of the county where the violation occurs
14 may issue a notice to appear. The county code enforcement
15 officer provided for by the county in its respective building
16 or property maintenance code may issue a notice to appear.

17 (Source: P.A. 89-120, eff. 7-7-95.)".